

12/3/2020 11:49 am

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

For Online Publication Only

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RICHARD A. GERVASI,

Plaintiff,

-against-

ORDER
20-CV-3941 (JMA)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
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AZRACK, District Judge:

Before the Court is the in forma pauperis application filed by pro se plaintiff Richard A. Gervasi (“plaintiff”).¹ For the reasons that follow, the application to proceed in forma pauperis is denied without prejudice and with leave to renew upon completion of the AO 239 Long Form in forma pauperis application (“Long Form”) attached to this Order. Alternatively, plaintiff may remit the \$400.00 filing fee.

Plaintiff’s application raises more questions than it answers. Rather than provide any financial information, plaintiff has answered “none” in response to almost every question on the form. (See ECF No. 2, generally.) Nor does plaintiff include any regular monthly expenses for items such as food, transportation, utilities, or housing although he indicates that he lives with his fiancé. (Id. ¶ 6.) Although plaintiff reports that the only item of value he owns is a 1996 Saturn, he reports no expenses for gas or insurance. (Id. ¶ 5.) Plaintiff also reports that he has no debts or other financial obligations. (Id. ¶ 8.)

Given that the responses provided by plaintiff raise more questions than they answer, plaintiff’s application is denied without prejudice and with leave to renew upon completion of the

¹ Plaintiff has also filed an application for the appointment of pro bono counsel to represent him in this case. The Court holds that application in abeyance pending resolution of the filing fee.

long form application enclosed with this Order within twenty-one (21) days from the date of this Order. Alternatively, plaintiff may remit the \$400.00 filing fee. Plaintiff is warned that his failure to timely comply with this Order may lead to the dismissal of the complaint without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The Clerk of Court shall mail a copy of this Order to the plaintiff at his address of record.

SO ORDERED.

Dated: December 3, 2020
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE